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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,921	10/30/2003	Louis Leclerc	200314548-1	8233
22879 7590 01/11/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER PROCTOR, JASON SCOTT	
			ART UNIT 2123	PAPER NUMBER
			NOTIFICATION DATE 01/11/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

**Application No.**

10/696,921

**Applicant(s)**

LECLERC, LOUIS

**Examiner**

Jason Proctor

**Art Unit**

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-26 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-26 and 28-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Claims 1-10, 12-26, and 28-33 were rejected in the Office Action entered 15 May 2007.

Applicants' submission on 15 October 2007 has amended claim 19. Claims 1-10, 12-26, and 28-33 are pending in this application.

Claims 1-10, 12-26, and 28-33 are rejected.

#### *Response to Arguments – 35 USC §§ 102 and 103*

1. In response to the previous rejection of claims 1-10, 12-26, and 28-33 under 35 U.S.C. § 102(e) as being anticipated by Moldenhauer, Applicants argue primarily that:

[T]he Moldenhauer reference does not anticipate the Applicant's claims under Section 102 because every element of the claimed invention is not identically shown in the Moldenhauer reference. Specifically, independent claim 1 recites a computer system having a plurality of device information files and "an *emulator* that is adapted to read a selected one of the plurality of device information files and provide an on-screen display ("OSD") *emulation of the at least one device*." (Emphasis in Applicants' argument) [Similar arguments are presented for each independent claim.]

As clearly shown [by Moldenhauer, col. 2, lines 12-18], the Moldenhauer reference, at best, discloses software adapted to provide a user with several options with several options of services to choose from. [...] However, there is no disclosure in Moldenhauer of customer support systems adapted to emulate purchased devices. That is, the cited reference clearly does not disclose an emulator adapted to provide an on-screen display similar in appearance to what the customer sees when attempting to set up the device.

The Examiner respectfully traverses this argument as follows.

Moldenhauer clearly discloses providing an on-screen display similar in appearance to what the customer sees when attempting to set up the device [*"When the rep selects a model of DSS receiver on the tool's graphical user interface (GUI), he can rotate it to see the wiring ports on the back of the specific model. If a remote control is being discussed with a customer, the rep can click on any button on the representation of the remote and a dialog box will appear with*

*predetermined text for the rep to use in discussing the problem with the customer. The image of a specific piece of equipment is active; i.e. if an actual DSS receiver has a red light that can blink, so does the display viewed by the rep.*" (column 2, lines 25-34) See also Figs. 8A-8F and associated disclosure.

Therefore, Moldenhauer discloses the claimed emulator performing the identical functionality to that represented by the claim language.

Applicants' arguments have been fully considered but have been found unpersuasive.

### ***Drawings***

The previous objection to the drawings is withdrawn in response to the submission of a replacement drawing sheet.

### ***Claim Rejections - 35 USC § 101***

The previous rejection of claims 19-25 under 35 U.S.C. § 101 is withdrawn in response to the amendments to these claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10, 12-26, and 28-33 rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,901,397 to Moldenhauer et al. (hereafter referred to as Moldenhauer).

Regarding claim 1, Moldenhauer discloses:

A system comprising a plurality of device information files that each contain emulation information about a different device [*"The present invention is a web-based application that assists customer service and sales representatives when dealing with customers by phone... It includes detailed information regarding each type of DSS receiver."* (column 2, lines 9-24)]; and

An emulator that is adapted to read a selected one of the plurality of device information files and provide an on-screen display ("OSD") emulation having characteristics of a visual display associated with the device based on the emulation information contained in the selected one of the plurality of device information files [*"When the rep selects a model of DSS receiver on the tool's graphical user interface (GUI), he can rotate it to see the wiring ports on the back of the specific model. If a remote control is being discussed with a customer, the rep can click on any button on the representation of the remote and a dialog box will appear with predetermined text for the rep to use in discussing the problem with the customer. The image of a specific piece of equipment is active; i.e. if an actual DSS receiver has a red light that can blink, so does the display viewed by the rep."* (column 2, lines 25-50)].

Regarding claim 2, Moldenhauer discloses that the emulation information comprises information relating to a set-up procedure of the device [*"It provides a chart of various installation options including a standard TV and VCR hook-up 820. If the user wants more*

*information on any option, each option is linked to a graphical page, FIG. 8c, that shows the connection panels for the various components.” (column 7, lines 40-47)].*

Regarding claim 3, Moldenhauer discloses that the emulator is adapted to present the emulation in a manner that approximates information that would be presented by the device during a set-up procedure of the device [*“In one embodiment, the illustrations of the receiver and remote control are active. In other words, if the user selects a button on the remote control with a pointing device, then a dialog box can appear with additional information about the function of that particular button. Additionally, if the remote control activates a function or a light on the receiver, that light will appear on the displayed receiver when selected on the displayed remote.”* (page 8, lines 7-16)].

Regarding claim 4, Moldenhauer discloses that the emulation information comprises mouseover information about at least one option [*“In other words, if the user selects a button on the remote control with a pointing device, then a dialog box can appear with additional information about the function of that particular button.”* (column 8, lines 10-16)].

Applicants’ specification states, “Those of ordinary skill in the art will readily appreciate that the illustration of providing mouseover information is exemplary and not given by way of limitation. The use of other methods to provide relevant information to the call center employee may be a matter of design choice. Such other methods may include employing a touch screen, scroll data, or the like.” (pages 11-12) The disclosure of Moldenhauer is therefore interpreted as at least equivalent to the claim language, especially in light of the disclosure.

Regarding claims 5-7, Moldenhauer discloses that the device comprises a computer display device, a computer system, and a consumer electronics device [*“direct satellite service (DSS) receivers”* (column 2, lines 10-24)].

Regarding claim 8, Moldenhauer discloses that the emulator is available via a network [*“web-based application”* (column 2, lines 10-12)].

Regarding claim 9, Moldenhauer discloses that the emulator is available via a local CD-ROM driver [*“CD-ROMs”* (column 8, lines 17-28)].

Claims 10 and 12-18 recite a method employed by the system of claims 1-9. Claims 19-25 recite a system corresponding to claims 1-9. Claims 26 and 28-33 recite a machine-readable medium comprising code corresponding to the system of claims 1-9. Moldenhauer discloses a computer system and method (FIG. 1, etc.). Claims 10, 12-18, 19-25, 26, and 28-33 are rejected for similar rationale to that shown above for claims 1-9.

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Proctor whose telephone number is (571) 272-3713. The examiner can normally be reached on 8:30 am-4:30 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached at (571) 272-3753. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR)



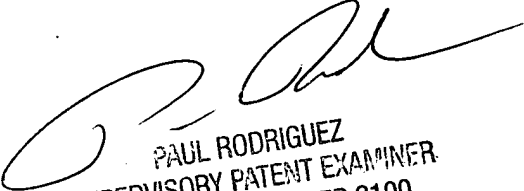
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